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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/733,873	12/08/2000	Ping Yang	03-12861	3134
25189	7590	09/21/2005	EXAMINER	
CISLO & THOMAS, LLP 233 WILSHIRE BLVD SUITE 900 SANTA MONICA, CA 90401-1211			VAN DOREN, BETH	
			ART UNIT	PAPER NUMBER
			3623	

DATE MAILED: 09/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/733,873

Applicant(s)

YANG, PING

Examiner

Beth Van Doren

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 11, 30-39, 42 and 62-75 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 30-32 and 74 is/are allowed.
- 6) ☒ Claim(s) 1, 3-8, 11, 33, 35-39, 42, 62-73 and 75 is/are rejected.
- 7) ☒ Claim(s) 2 and 34 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 20040322, 20040319.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

1. The following is a Final Office action in response to communications received 07/07/2005. Claims 1, 11, 30, 33, and 42 have been amended. Claims 1-8, 11, 30-39, 42, and 62-75 are pending in this application.

Allowable Subject Matter

2. Claims 30-32 and 74 are allowed.
3. Claims 2 and 34 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3-8, 11, 33, 35-39, 42, 62-73, and 75 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huxter (U.S. 2002/0103653) in view of Moreno (U.S. 6,882,269).

5. As per claim 1, Huxter teaches a method for scheduling and delivery of a product to a buyer along the buyer's commuting route, comprising:

receiving a buyer's commuting route information from the buyer, the route information including a beginning address and an ending address (See paragraphs 0171-2, wherein the buyer's route, including home and work address, is received);

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selecting from a plurality of pickup points a pickup point based on the route information (See paragraphs 0171-2 and 0177, wherein preferred pickup points are selected);

dispatching a mobile delivery unit to the pickup point, the mobile delivery unit containing a product ordered by the buyer (See paragraphs 0182-4 and 0187-8, wherein a thirdparty deliverer is dispatched and takes the item to the pickup location);

stationing the product at a pickup station at the pick up point, whereby the buyer may pick up the order from the pickup station (See paragraphs 0182-4 and 0187-8, wherein the deliverer stations the product in a locker for pickup. See paragraph 0194, wherein the customer picks up the goods).

However, Huxter does not expressly disclose a mobile pickup station, the mobile pickup station being removable from the pickup point.

Moreno discloses wherein the pickup station is a mobile pickup station (i.e. mobile locker) as a type of locker utilized in the delivery of goods, wherein the locker contains the product (See column 4, lines 30-65, and column 5, lines 1-10, wherein a mobile locker is a variation of a locker considered in the system).

Both Huxter and Moreno disclose transferring goods from a vendor or etailer of the good to a customer who has bought the goods. Huxter discloses moving the good to the location of the locker, wherein the locker holds the good for secure pickup. It would have been obvious to one of ordinary skill in the art at the time of the invention to use mobile lockers to move and station the good in order to increase the efficiency of the system by originally packaging the good in the locker, rather than having an added step of the deliverer having to load the good into the locker. Mobile lockers were utilized at the time of the invention, as shown my Moreno.

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6. As per claim 3, Huxter teaches wherein the plurality of pickup points is determined using an approximate buyer route concentration based on route usage (See paragraphs 0171-2 and 0177, wherein preferred pickup points are selected based on the route traveled by the buyer).

7. As per claim 4, Huxter teaches a method further comprising:

receiving a plurality of routes from a plurality of buyers (See paragraphs 0171-2, wherein the buyers' routes, including home and work addresses, are received); and

determining the plurality of pickup points based on the plurality of routes (See paragraphs 0171-2 and 0177, wherein preferred pickup points are selected for each user of the system).

8. As per claim 5, Huxter et al. discloses a method further comprising:

receiving a specification of a plurality of preferred products (See abstract, paragraphs 0032, 0082, 0153, wherein the specified products are ordered);

receiving an occurrence rate for each of the plurality of preferred products (See paragraphs 0082, 0099, 0117, 0178, wherein the order history and a delivery date are set in the system); and

ordering the product for the buyer using the occurrence rates (See abstract, paragraphs 0032, 0082, 0153, wherein the product is ordered).

9. As per claims 6 and 7, Huxter disclose reminding the buyer via email or telephonically that a product delivery is scheduled at the pickup point (See abstract, paragraphs 0025, 0036, 0120, 0132, 0223, wherein a notification/reminder is sent).

10. As per claim 8, Huxter discloses that the pickup station includes a plurality of lockers for containing products, each of the lockers having a unique access code, and giving the buyer an

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access code for the locker containing the buyer's product, the locker selected from the plurality of lockers (See paragraphs 0129, 0182-4, and 0187-8, wherein the deliverer stations the product in a locker of a plurality of lockers for pickup. See paragraph 0193-6, wherein the customer picks up the goods using a pin unique to the locker). However, Huxter does not expressly disclose a mobile pickup station that is removable from the pickup point.

Moreno discloses wherein the pickup station is a mobile pickup station (i.e. mobile locker) as a type of locker utilized in the delivery of goods, wherein the locker contains the product (See column 4, lines 30-65, and column 5, lines 1-10, wherein a mobile locker is a variation of a locker considered in the system).

Both Huxter and Moreno disclose transferring goods from a vendor or retailer of the good to a customer who has bought the goods. Huxter discloses moving the good to the location of the locker, wherein the locker holds the good for secure pickup. It would have been obvious to one of ordinary skill in the art at the time of the invention to use mobile lockers to move and station the good in order to increase the efficiency of the system by originally packaging the good in the locker, rather than having an added step of the deliverer having to load the good into the locker. Mobile lockers were utilized at the time of the invention, as shown by Moreno.

11. As per claim 11, Huxter and Moreno teach a method for scheduling and delivery of a product, as set forth above in the rejection of claim 1. Huxter further discloses selecting a third party seller affiliate from a plurality of third party sellers based on the location of the pickup point and dispatching by the third party seller affiliate a mobile delivery unit (See paragraphs 0031, 0052, 0074-9, 0096, 0100, 0166, 0184, which discloses third party affiliates).

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12. As per claim 33, Huxter discloses the elements of the program instructions, as set forth in the rejection of claim 1 above. Huxter further discloses a data processing system adapted to schedule and deliver a product to a buyer along the buyer's commuting route, comprising a processor (See figures 1 and 2 and paragraphs 0125 and 0151) and memory operably coupled to the processor and having program instructions stored therein, the processor being operable to execute program instructions (See figures 1 and 2 and paragraphs 0087, 0123, 0134, 0151-2).

13. Claims 34-39 recite equivalent limitations to claims 2-7, respectively, and are therefore rejected using the same art and rationale above.

14. As per claim 42, Huxter discloses the elements of the program instructions, as set forth in the rejection of claim 11 above. Huxter further discloses a data processing system adapted to schedule and deliver a product a buyer by a seller using a third party seller affiliate, comprising: a processor (See figures 1 and 2 and paragraphs 0125 and 0151) and memory operably coupled to the processor and having program instructions stored therein, the processor being operable to execute the program instructions (See figures 1 and 2 and paragraphs 0087, 0123, 0134, 0151-2).

15. As per claim 62, Huxter teaches wherein the route information includes a first reference point and a channel width (See paragraphs 0171-2, wherein the route includes a reference point (i.e. home) and the commuting route (to the office)).

16. As per claim 63, Huxter teaches the route information further including a second reference point (See paragraphs 0028 and 0171-2, wherein reference points are stored).

17. As per claim 64, Huxter teaches wherein the first reference point is an address (See paragraphs 0028 and 0171-2, which disclose the reference point of an address).

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18. As per claim 65, Huxter discloses wherein the first reference of an address (See paragraphs 0028 and 0171-2, which disclose the reference point of an address). However, while Huxter discloses home and work addresses, Huxter does not expressly disclose a Zip Code.

Huxter discloses choosing pickup locations using home and office locations. See paragraphs 0171-2. Zip Codes are old and well-known identifying information associated with locations. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to receive the Zip Code information from a customer in order to increase the efficiency and speed of processing the order by receiving the information from the buyer instead of having to look up the information in the system and then process the order.

19. As per claim 66, Huxter teaches wherein the first reference point includes a phone number (See paragraphs 0171-2, wherein the reference point includes a phone number).

20. Claims 67-70 recite equivalent limitations to claims 62-66, respectively, and are therefore rejected using the same art and rationale above.

21. As per claims 71 and 75, Huxter teaches receiving a date from the buyer by the server; and delivering the product by the server according to the date (0099, 0117, 0178, wherein a date is received and used for delivering the product).

22. As per claims 72-73, Huxter teaches the buyer accessing a server via a communications network; receiving an order for a product from a buyer by the seller via the communications network; receiving a channel width from the buyer by the server via the communications network; and receiving route information from the buyer by the server via the communications network (See figure 1, paragraphs 0011, 0019-20, 0091, 0099-100, 0112, wherein the buyer accesses a server, orders a product, and enters information such as channel information. See

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paragraphs 0171-2, wherein the channel information and width is received. Examiner interprets channel as the commuting route).

Response to Arguments

23. Applicant's arguments with respect to the claims have been considered but are moot in view of the new grounds of rejection, as necessitated by amendment.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hancock (U.S. 6,202,023) discloses locating points of interest within a specified radius of a specific location.

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Behr et al. (U.S. 6,614,363) teaches finding all points of interest from a point within a certain specified mileage from the point.

Rogers (U.S. 2001/0042024) discloses purchasing goods over the Internet and picking up the goods from a storage device.

DeLorme et al. (U.S. 6,321,158) discloses points of interest, attractions, and facilities around a position with a specified radius of distance or travel time.

Huxter (U.S. 2005/0131774) discloses ordering goods from an etailer and having the goods place in a locker for pickup.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beth Van Doren whose telephone number is (571) 272-6737.

The examiner can normally be reached on M-F, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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September 14, 2005

Susanna Diaz
SUSANNA M. DIAZ
PRIMARY EXAMINER
AU 3623